

ROSCOE MCWILLIAMS, JR.,
 Plaintiff,
 v.
 CHASE HOME FINANCE, LLC,
 Defendant.

No. 4:09CV609 TCM

Plaintiff has filed a pro se complaint and has moved to proceed in forma pauperis. After reviewing the financial information provided by plaintiff, the Court will grant the motion to proceed without payment of the filing fee. Because plaintiff is proceeding in forma pauperis, the Court is required to review the complaint to determine whether the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e). Upon review of the complaint, the Court finds that the complaint is unworkably vague and ambiguous, and the Court will order plaintiff to file an amended complaint.

Under the Federal Rules, each allegation in a complaint must be “simple, concise, and direct.” Fed. R. Civ. P. 8(d). The allegations in plaintiff’s complaint do not satisfy these requirements because they are indirect and vague. For example,

plaintiff alleges, “Inaccurate bookkeeping and record keeping has occurred.” This allegation does not say anything about who did the bookkeeping, who it affected, how it was inaccurate, when it was performed, etc. Such allegations are too vague to state a claim for relief.

Many of the allegations in the complaint are conclusory and fail to state any facts, which if proved, would demonstrate that plaintiff are entitled to relief. The Federal Rules require plaintiff to provide “a short and plain statement” of the facts showing that he is entitled to relief. Fed. R. Civ. P. 8(a). Legal conclusions do not satisfy this requirement.

To cure these defects, the Court will order plaintiff to file an amended complaint. Plaintiff is warned that the filing of an amended complaint replaces all previous complaints, and claims that are not realleged are deemed abandoned. E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8th Cir. 2005). Plaintiff must comply with the pleading requirements of the Federal Rules of Civil Procedure, especially Rules 8, 10, and 11. Plaintiff shall have twenty days from the date of this Memorandum and Order to file an amended complaint.

If the Court receives an amended complaint, the Court will review it pursuant to 28 U.S.C. § 1915(e)(2)(B). If plaintiff fails to file an amended complaint as ordered, the Court will dismiss this case without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff shall file an amended complaint **no later than 20 days from the date of this Memorandum and Order**.

IT IS FURTHER ORDERED that if plaintiff fails to file an amended complaint as ordered, this case shall be dismissed without prejudice.

Dated this 29th day of April, 2009.

A handwritten signature in dark ink, appearing to read "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE